

# Exhibit 36

*United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.*

Civil Action No. 07-10248-PBS

Exhibit to the August 28, 2009 Declaration of James J. Fauci In Opposition To  
Corrected Boehringer Ingelheim Corporation and Boehringer Ingelheim Pharmaceuticals, Inc.  
Local Rule 56.1 Statement of Undisputed Material Facts  
in Support of Their Motion For Summary Judgment

Deposition of Robert Christopher Sykora November 2, 2005

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SUPERIOR COURT  
DOCKET NO. X07 CV-03-0083296-S (CLD)

STATE OF CONNECTICUT,                     )  
  )  
                          Plaintiff,                     )  
  ) COMPLEX LITIGATION  
                          vs.                     )  
  ) DOCKET at TOLLAND  
DEY, INC., ROXANE                     )  
LABORATORIES, INC., WARRICK        )  
PHARMACEUTICALS CORP.,             )  
SCHERING-PLOUGH CORP. and         )  
SCHERING CORPORATION,             )  
  )  
                          Defendants.                     )  
----- )

ROBERT CHRISTOPHER SYKORA

Deposition of ROBERT CHRISTOPHER SYKORA,  
taken on behalf of the Plaintiff, at the Hampton  
Inn, 1135 Lakes Parkway, Lawrenceville, Georgia,  
commencing on November 2, 2005, at 9:17 a.m., before  
Joyce E. Harrison, Certified Court Reporter and  
Registered Professional Reporter.

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1 Distribution, who was your next employer?  
 2 A. Boehringer Ingelheim.  
 3 Q. And when were you hired by Boehringer  
 4 Ingelheim?  
 5 A. December 1997.  
 6 Q. And do you remain an employee of  
 7 Boehringer Ingelheim today?  
 8 A. I do not.  
 9 Q. Who's your current employer?  
 10 A. Stiefel Laboratories.  
 11 (A discussion was held off the record.)  
 12 Q. Okay, Bob, we just got to the point of, I  
 13 believe, December of 1997, and you indicated at that  
 14 point you became an employee of Boehringer Ingelheim;  
 15 correct?  
 16 A. Correct.  
 17 Q. How long did you remain employed by  
 18 Boehringer Ingelheim?  
 19 A. Through January 2003.  
 20 Q. And at any point during that time period  
 21 were you an employee of Roxane Laboratories?  
 22 A. Technically I was never an employee of  
 23 Roxane Laboratories. I was an employee of Boehringer  
 24 Ingelheim but I worked for Roxane Laboratories for  
 25 three of the four years I was with Ingelheim. I

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1 represented Roxane Laboratories.  
 2 Q. And when you say you represented Roxane  
 3 Laboratories, do you mean you represented their  
 4 products?  
 5 A. Yes.  
 6 Q. Which were -- those products would have  
 7 been generic products at that time; correct?  
 8 A. Generic products and brand products.  
 9 Q. What was an example of a brand product  
 10 that Roxane had during that time period?  
 11 A. Viramune.  
 12 Q. What was Viramune for?  
 13 A. AIDS and HIV.  
 14 Q. Was that co-marketed with Boehringer  
 15 Ingelheim?  
 16 A. No.  
 17 Q. It was solely marketed through Roxane?  
 18 A. Correct.  
 19 Q. And you mentioned you stayed with  
 20 Boehringer Ingelheim through January 2003; correct?  
 21 A. Correct.  
 22 Q. Who was your next employer following your  
 23 stay with Boehringer Ingelheim?  
 24 A. Stiefel Laboratories.  
 25 Q. Spell that, please.

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1 A. S-t-i-e-f-e-l.  
 2 Q. And is Stiefel Laboratories related, as  
 3 far as corporate -- have a corporate relationship  
 4 with Boehringer Ingelheim?  
 5 A. They do not.  
 6 Q. It's a separate company as far as you  
 7 know?  
 8 A. It is.  
 9 Q. And what's your current title with Stiefel  
 10 Laboratories?  
 11 A. Vice president sales and marketing.  
 12 Q. Congratulations.  
 13 And you're based here in Georgia; correct?  
 14 A. That's correct.  
 15 Q. And are you based in Suwanee, Georgia?  
 16 A. Duluth, Georgia.  
 17 Q. Duluth.  
 18 Are there any other former Roxane or  
 19 Boehringer Ingelheim employees with whom you worked  
 20 during your stint at Boehringer Ingelheim that also  
 21 work for Stiefel Labs that you're aware of?  
 22 A. Not that I'm aware.  
 23 Q. Were there any at the time that you first  
 24 came over to Stiefel Labs?  
 25 A. No.

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1 Q. Is Stiefel Labs in the generic  
 2 multi-source business? Do they manufacture generic  
 3 multi-source products?  
 4 A. They do.  
 5 Q. Do they manufacture brand products as  
 6 well?  
 7 A. They do.  
 8 Q. What are some of their more well-known  
 9 products?  
 10 A. Brand Duac. Generic griseofulvin.  
 11 Q. What's Duac for?  
 12 A. Acne.  
 13 Q. And then the generic that you just  
 14 mentioned, what's that for?  
 15 A. Fungal infections.  
 16 Q. Okay. Well, let's go back to the time  
 17 period of December 1997 when you first started  
 18 working with Boehringer Ingelheim. What was your  
 19 first position with Boehringer Ingelheim?  
 20 A. Director national accounts.  
 21 Q. And how long did you stay in that  
 22 position?  
 23 A. Three years.  
 24 Q. And then what was your next position with  
 25 Boehringer Ingelheim?

7 (Pages 22 to 25)

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1 A. Executive director managed care.  
 2 Q. And how long did you stay in that  
 3 position?  
 4 A. Two years.  
 5 Q. And then did you move to another position  
 6 with Boehringer Ingelheim?  
 7 A. I moved to Stiefel Laboratories.  
 8 Q. Let's just focus first on your three-year  
 9 stint as a director of national accounts with  
 10 Boehringer Ingelheim, okay?  
 11 A. Okay.  
 12 Q. Who did you report to during that time  
 13 period?  
 14 A. Richard Feldman.  
 15 Q. Was Chris Boneham still with Boehringer  
 16 Ingelheim at that time?  
 17 A. He was.  
 18 Q. And what was his title?  
 19 A. Something with key accounts.  
 20 Q. He was not a director of national accounts  
 21 at that point; correct?  
 22 A. He was not director of national accounts,  
 23 correct.  
 24 Q. And you reported to Richard Feldman. Do  
 25 you know who Richard Feldman reported to during that

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1 time period?  
 2 A. Part of the time, Ed Tupa, part of the  
 3 time, Mike Leonetti.  
 4 Q. And were you assigned a particular region  
 5 during your time period as a director of national  
 6 accounts?  
 7 A. No.  
 8 Q. What were your responsibilities as far as  
 9 who did you call on during that time period?  
 10 A. I didn't call on anybody. I had a sales  
 11 force.  
 12 Q. Who was in your sales force during that  
 13 time period?  
 14 A. National account managers.  
 15 Q. And how many national account managers  
 16 were there?  
 17 A. Six.  
 18 Q. And who were they?  
 19 A. Names?  
 20 Q. Yes.  
 21 A. Tom Via, V-i-a, Dawn Gordon, Penny  
 22 Hawthorne, an E at the end. Steve Snyder,  
 23 S-n-y-d-e-r. Colin Carr-Hall, hyphenated,  
 24 C-a-r-r-H-a-l-l. Later on Anthony Tavalaro and Mike  
 25 Doan, D-o-a-n. Tavalaro is T-a-v-a-l-a-r-o.

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1 Q. And the individuals that you just named as  
 2 your national account managers, did they report  
 3 directly to you?  
 4 A. They did.  
 5 Q. Okay. So what were your job  
 6 responsibilities during this 1997 to 2000 time period  
 7 when you were the director of national accounts  
 8 for -- was it for Boehringer Ingelheim; is that  
 9 correct?  
 10 A. The first three years was for -- I was a  
 11 Boehringer employee but my oversight was Roxane Labs.  
 12 Q. Okay. Let's focus on that time. What  
 13 were your job responsibilities during that time  
 14 period?  
 15 A. Oversight and supervision of the national  
 16 account managers.  
 17 Q. Any other responsibilities?  
 18 A. That was enough.  
 19 Q. That kept you busy?  
 20 A. Yes.  
 21 Q. With respect to oversight and supervision  
 22 of these national account managers, what did that  
 23 entail? What did you do to perform that function?  
 24 A. Interact with them, talk to them, answer  
 25 questions, identify opportunities, review customers

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1 and accounts.  
 2 Q. Did you travel with them to their  
 3 customers occasionally?  
 4 A. Yes.  
 5 Q. How often would you do that?  
 6 A. It would vary. Maybe once a week. It may  
 7 be not for several months.  
 8 Q. Were you involved at all in contract  
 9 negotiations?  
 10 A. Contract negotiations, yes.  
 11 Q. And what was your involvement with respect  
 12 to contract negotiations during that time period?  
 13 A. Face to face interaction between the  
 14 customer and the national account manager. I would  
 15 often give advice, suggestions as to how that  
 16 interaction should occur.  
 17 Q. And would you give that advice to your  
 18 national account managers?  
 19 A. That's correct.  
 20 Q. Okay. Would you also have face-to-face  
 21 meetings or opportunities with the customers  
 22 themselves?  
 23 A. Occasionally.  
 24 Q. What customers do you recall having  
 25 face-to-face interaction with during that three-year

8 (Pages 26 to 29)

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